

## CONSTITUTION OF VIRGINIA

Sec. 121. City council, composition, how elected, powers and duties; ineligibility of members to certain offices; powers and duties as to reapportionments; when mandamus against council lies.

There shall be in every city a council, composed of two branches, having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give, as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but the General Assembly may permit the council to consist of one branch.

No member of the council shall be eligible, during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment.

The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries, of the wards thereof, and shall, in the year nineteen hundred and thirty-three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, reapportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a mandamus shall lie on behalf of any citizen thereof to compel its performance.

## CODE OF VIRGINIA OF 1950, As Amended

§ 15.1-803. Number of wards in city; how changed.—In each city of this Commonwealth there shall be as many wards as the city council may establish; but whenever, by the last United States census or other enumeration made by authority of law, it shall appear that the population in any ward exceeds that of any other by so much as three thousand inhabitants, or whenever in the opinion of the council it is necessary, or whenever it becomes necessary because the corporate limits of the city have been extended or contracted, the city council shall redistrict the city into wards, change the boundaries of existing wards, or increase or diminish the number of wards, so that no one ward shall exceed any other ward in population by more than three thousand inhabitants. But in no case shall the city council redistrict the city into wards or change the boundaries of existing wards, except in so far as it may be necessary to change such boundaries for the purpose of attaching newly annexed territory of such existing ward or wards as may be contiguous thereto, oftener than once every five years, except upon a recorded vote of three-fourths of the members elected to the council or three-fourths of the members elected to each branch thereof when the council is composed of two branches; and in every such case the reason therefor shall be set forth in the ordinance providing for such redistricting.

A mandamus shall lie on behalf of any citizen to compel the performance by the council of the duty so prescribed. (Code 1950, § 15-396; 1962, c. 623.)

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Cross reference.—For constitutional authority, see Va. Const., § 121.

§ 15.1-806. Council to reapportion representation among wards.—The council in every city shall, in the year nineteen hundred and fifty-three and every tenth year thereafter, also whenever the boundaries of the wards of the city are changed, prescribe by ordinance the number of members of each branch of the council and reapportion the representation therein among the wards, so as to give, as far as practicable to each ward of such city, equal representation in the council and in each branch thereof in proportion to the population of each ward. In determining such population, the council shall be governed by the last United States census, or by an enumeration as provided for in § 15.1-17, or such other enumeration as may be provided for by law. If by any change of the boundaries of a ward, or by the increase or diminution of the number of wards, any officer, who is required by law to be a resident of the ward from which he is elected or appointed, shall become a resident of a different ward, such officer shall, notwithstanding, serve as such to the end of his term. (Code 1950, § 15-399, 1962, c. 623.)

III

## CONSTITUTION OF VIRGINIA

Sec. 117. General Assembly shall enact laws for government of cities and town; how special act therefor passed; as to city charters existing or adoption of Constitution.

(a) General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in article four of this Constitution, and then only by a recorded vote of two-

thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of this Constitution a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly; provided, that every such charter is hereby amended to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

(b) The General Assembly may, by general law or by special act (passed in the manner provided in article four of this Constitution) provide for the organization and government of cities and towns without regard to, and unaffected by any of the provisions of this article, except those of sections one hundred and twenty-four, one hundred and twenty-five (except so far as the provisions of section one hundred and twenty-five recognize the office of mayor and the power of veto), one hundred and twenty-six and one hundred and twenty-seven of this article, and except those mentioned in subsection (d) of this section. The term "council", as used in any of said sections, shall include the body exercising legislative authority for the city or town, and all ordinances enacted and resolutions adopted by such body shall have the same force and effect for all purposes, as if enacted or adopted in accordance with the provisions of section one hundred and twenty-three of this article. But such organization and government shall apply only to such cities or towns as may thereafter adopt the same by a majority vote of those qualified voters of any such city or town voting in any election to be held for the purpose, as may be provided by law.

(c) The General Assembly, at the request of any city or town, made in manner provided by law, may grant to

it any special form of organization and government authorized by subsection (b) of this section, and subject to all of the provisions of that subsection, except that it shall not be necessary for such city or town to thereafter adopt the same.

(d) Any laws or charters enacted pursuant to the provisions of this section shall be subject to the provisions of this Constitution relating expressly to judges and clerks of courts, attorneys for the Commonwealth, commissioners of revenue, city treasurers and city sergeants.

(e) Any form of organization and government authorized by any provisions of this section which may have been adopted heretofore by any city or town pursuant to any act of the General Assembly enacted before such provisions became effective, and which is now in operation, is hereby declared legal and valid ab initio, and shall have the same force and effect as if it had been authorized by this Constitution at the time of its adoption.